



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,422	04/08/2004	Dale W. Malik	190250-1900	7826

38823 7590 11/23/2007

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/  
AT&T BLS Intellectual Property, Inc.  
600 GALLERIA PARKWAY  
SUITE 1500  
ATLANTA, GA 30339

EXAMINER
----------

GREENE, JOSEPH L

ART UNIT	PAPER NUMBER
----------	--------------

4152

MAIL DATE	DELIVERY MODE
-----------	---------------

11/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/820,422

**Applicant(s)**

MALIK, DALE W.

**Examiner**

Joseph L. Greene

**Art Unit**

4152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1 – 20 are pending in this application.

#### ***Claim Objections***

2. Claims 2, 10, 15, and 17 are objected to for lack of an antecedent basis.
  - (a) Claim 2 recites the limitation “the respective guest” in line 2.
  - (b) Claim 10 recites the limitation “the respective resident account” in lines 8 and 12.
  - (c) Claim 15 recites the limitation “the group” in line 9.
  - (d) Claim 17 recites the limitation “the at least guest account” in lines 9 and 10.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 4152

4. **Claims 1, 6, 7, 14, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Zellner et al (Pre-Grant Publication No: US 2005/0149437 A1) hereinafter Zellner.**

5. With respect to claim 1, Zellner discloses a system for monitoring guests in a network community ([0012], lines 15-20, where the secondary user represents the guest user), comprising: an account database maintaining a plurality of resident accounts for a plurality of resident users of the network community the and at least one guest account of at least one guest of a respective resident user ([0012], lines 12-20, resident user is represented by the primary user); and an account server accessing the at least one guest account to determine a status of the at least one guest account and updating a respective resident account with the status of the at least one guest account ([0022], lines 33-36 and 44-51; [0004], lines 4-9, the notification methods mentioned in Zellner update the status of a primary account with that of the secondary), wherein: the respective resident account contains guest account information for the at least one guest sponsored by the respective resident user, the guest account information being added to the respective resident account upon creation of the at least one guest account ([0011], lines 5-8 and 15-18); and the account server updates the status of the at least one guest account sponsored by the respective resident user in the respective resident account ([0022], lines 33-36 and 44-51; [0004], lines 4-9, the notification methods mentioned in Zellner update the status of a primary account with that of the secondary).

6. As for claim 6, Zellner discloses wherein the status of the at least one guest account is updated in the respective resident account after the status of the at least one guest account has changed ([0022], lines 33-36 and 44-51; [0004], lines 4-9, the notification methods mentioned in Zellner update the status of a primary account with that of the secondary).

7. As for claim 7, Zellner discloses wherein a provider of the network community offers a network service to members of the network community, the members comprising resident users and guests ([0012], lines 12-20; [0015], lines 8-10).

8. With respect to claim 14, Zellner discloses a method for monitoring guest users of a network community ([0012], lines 15-20; the guest user is represented by the secondary user), comprising the steps of: maintaining a plurality of resident accounts for a plurality of resident users of the network community and at least one guest account of at least one guest of a respective resident user ([0012], lines 15-20, resident user is represented by the primary user); accessing the at least one guest account to determine a status of the at least one guest account ([0012], lines 12-20); and updating a respective resident account with the status of the at least one guest account ([0022], lines 33-36 and 44-51; [0004], lines 4-9, the notification methods mentioned in Zellner update the status of a primary account with that of the secondary).

Art Unit: 4152

9. As for claim 18, Zellner discloses providing a network service to members of the network community, the members comprising resident users and guests ([0012], lines 15-20).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**11. Claims 8-9, 16-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zellner as applied to claims 1 and 14 above, and in view of Szeto et al (Pre-Grant Publication No US 2003/0140103 A1) hereinafter Szeto.**

12. As for claim 8, Zellner does not teach wherein: the network community comprises an instant messaging community; and a contact list of the respective resident user is updated with contact information of a user, after a guest invitation is sent from the respective resident user to the user, wherein: the contact information of the user is further updated if the user accepts the guest invitation; the contact information of the user is removed from the contact list if the user declines the guest invitation. However, Szeto does teach wherein: the network community comprises an instant messaging community; and a contact list of the respective resident user is updated with contact information of a user (Abstract), after a guest invitation is sent from the respective

Art Unit: 4152

resident user to the user, wherein: the contact information of the user is further updated if the user accepts the guest invitation; the contact information of the user is removed from the contact list if the user declines the guest invitation ([0028], lines 4-11, it is obvious that the status of the account will update once a connection is made or broken)

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Zellner to adapt the status of a user attempting to connect to another, as taught by Szeto, in order to accurately and efficiently maintain a standard instant messaging system.

13. As for claim 9, Zellner doesn't teach a presence server maintaining presence information of members of the network community, wherein the presence server determines the presence information of the at least one guest from the status of the at least one guest account of the at least one guest, wherein the presence information includes a particular presence state that indicates that the at least one guest account has not been activated. However, Szeto teaches a presence server maintaining presence information of members of the network community ([0048], lines 25-29), wherein the presence server determines the presence information of the at least one guest from the status of the at least one guest account of the at least one guest, wherein the presence information includes a particular presence state that indicates that the at least one guest account has not been activated ([0048], lines 35-43). It would have been obvious to a person having ordinary skill in the art at the time of the invention

to modify the teachings of Zellner to utilize a presence server, as taught by Szeto, in order to accurately and efficiently maintain a standard instant messaging system.

14. As for claim 16, Zellner does not teach updating the status of the at least one guest account in the respective resident account if a user has accepted a guest invitation from the respective resident user of the respective resident account; and updating the status of the at least one guest account in the respective resident account if the user has declined the guest invitation from the respective resident user. However, Szeto teaches updating the status of the at least one guest account in the respective resident account if a user has accepted a guest invitation from the respective resident user of the respective resident account; and updating the status of the at least one guest account in the respective resident account if the user has declined the guest invitation from the respective resident user ([0048], lines 35-43 and [0028], lines 4-11, it is obvious that the status of the account will update once a connection is made or broken). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Zellner to adapt the status of a user attempting to connect to another, as taught by Szeto, in order to accurately and efficiently maintain a standard instant messaging system.

15. As for claim 17, Zellner doesn't teach defining different representations for the status of the at least one guest account; updating the status of the at least one guest account to a first representation if a user has accepted the guest invitation from the



Art Unit: 4152

respective resident user and the respective resident user does not have a vacant guest slot available for the user; and updating the status information of the at least one guest account to a second representation if the user has accepted a guest invitation from the respective resident user and the user has successfully completed a procedure for setting-up the at least guest account of the user.

However, Szeto does teach defining different representations for the status of the at least one guest account ([0048], lines 35-43); updating the status of the at least one guest account to a first representation ([0048], lines 35-43) if a user has accepted the guest invitation from the respective resident user and the respective resident user does not have a vacant guest slot available for the user (it is obvious that a status change will occur if the guest user is denied access); and updating the status information of the at least one guest account to a second representation if the user has accepted a guest invitation from the respective resident user and the user has successfully completed a procedure for setting-up the at least guest account of the user ([0028], lines 4-11, it is obvious that the status of the account will update once a connection is made or broken). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Zellner to adapt the status of a user attempting to connect to another, as taught by Szeto, in order to accurately and efficiently maintain a standard instant messaging system.

16. As for claim 19, Zellner doesn't teach sending a guest invitation to a user from the respective resident user; updating a contact list of the respective resident user with

Art Unit: 4152

contact information of the user after the guest invitation is sent from the respective resident user to the user; updating the contact information of the user with additional information provided by the user if the user accepts the guest invitation; and removing the contact information of the user from the contact list if the user declines the guest invitation.

However, Szeto teaches sending a guest invitation to a user from the respective resident user (claim 9, line 1); updating a contact list of the respective resident user with contact information of the user after the guest invitation is sent from the respective resident user to the user ([0048], lines 35-43); updating the contact information of the user with additional information provided by the user if the user accepts the guest invitation; and removing the contact information of the user from the contact list if the user declines the guest invitation ([0028], lines 4-11, it is obvious that the status of the account will update once a connection is made or broken). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Zellner to adapt the status of a user attempting to connect to another, as taught by Szeto, in order to accurately and efficiently maintain a standard instant messaging system.

17. As for claim 20, Zellner doesn't teach maintaining presence information on members of the network community, and determining presence information of the at least one guest based upon the status information in the guest account of the at least one guest. However, Szeto teaches maintaining presence information on members of

Art Unit: 4152

the network community ([0048], lines 25-29), and determining presence information of the at least one guest based upon the status information in the guest account of the at least one guest ([0048], lines 35-43) It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Zellner to adapt the status of a user attempting to connect to another, as taught by Szeto, in order to accurately and efficiently maintain a standard instant messaging system.

**18. Claims 2-3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zellner as applied to claims 1 and 14 above, and in view of Keohane et al (Pre-Grant Publication No US 2005/0216842 A1) hereinafter Keo.**

19. As for claim 2, Zellner doesn't teach wherein the guest account information includes a date upon which a guest invitation was sent to the respective guest and an end-date upon which the at least one guest account is scheduled to end. However, Keo teaches wherein the guest account information includes a date upon which a guest invitation was sent to the respective guest and an end-date upon which the at least one guest account is scheduled to end ([0025], lines 1-6 and [0026], lines 1-5). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Zellner in order to mark the pertinent dates of an invitation, as taught by Keo. Doing so increases the efficiency of the system by not having to keep side notes or reminders.

Art Unit: 4152

20. As for claim 3, it is rejected on the same basis as claim 2 above. In addition, Keo teaches wherein the guest account information in the respective resident account is updated to include a modification made to the end-date ([0025], lines 1-6 and [0026], lines 1-5).

21. As for claim 15, Zellner teaches creating the at least one guest account (Abstract); adding guest information regarding the at least one guest account ([0012], lines 12-20) to the respective resident account upon the creation of the at least one guest account, wherein the guest information includes identifying information of the at least one guest account ([0012], lines 12-20; [0015], lines 8-10; Abstract), wherein the modification is initiated by one of the group comprising the at least one guest associated with the at least one guest account and the respective resident user sponsoring the at least one guest account ([0004], lines 3-6). However, Zellner doesn't teach wherein the guest information further includes an end-date upon which the at least one guest account is scheduled to end; updating the guest information to incorporate a modification made to the end-date. On the other hand, Keo does teach such a system ([0025], lines 1-6 and [0026], lines 1-5). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Zellner in order to mark the pertinent dates of an invitation, as taught by Keo. Doing so increases the efficiency of the system by not having to keep side notes or reminders.

**22. Claims 4-5 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zellner in view of Keo and in further view of Szeto.**

23. As for claim 4, it is rejected on the same basis as claim 2. The combination of Zellner and Keo, however, does not teach wherein: the guest invitation is an email. On the other hand, Szeto does teach such a system ([0008] lines 4-9 and [0028] lines 4-11 and [0015] lines 1-4, where the last reference shows that communication via email is part of the system). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Zellner and Keo to utilize email invitations, as taught by Szeto, for email was a standard line of communication.

24. As for claim 5, it is rejected on the same basis as claim 2. The combination of Zellner and Keo, however, does not teach wherein the guest invitation is an instant message. On the other hand, Szeto does teach such a system ([0008] lines 4-9 and [0028] lines 4-11). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Zellner and Keo to utilize instant messaging invitations, as taught by Szeto, for instant messaging was in common use at the time of the invention.

25. With respect to claim 10, Zellner teaches A system for monitoring guest users of a network community ([0012], lines 15-20, where the secondary user represents the guest user), comprising: means for storing a plurality of resident accounts for a plurality

Art Unit: 4152

of resident users of the network community and at least one guest account of at least one guest of a respective resident user ([0012], lines 12-20, where the primary user represent the resident user); means for accessing the at least one guest account to determine a status of the at least one guest account; means for updating the respective resident account with the status of the at least one guest account ([0022], lines 33-36 and 44-51; [0004], lines 4-9, the notification methods mentioned in Zellner update the status of a primary account with that of the secondary); means for generating the at least one guest account (it is implicit that if secondary account is setup through a primary account then it must at least be generated); and means for adding account information concerning the at least one guest account to the respective resident account upon the generation of the at least one guest account ([0011], lines 5-8 and 15-18), but Zellner doesn't teach wherein the account information includes a date and an end-date upon which the at least one guest account is scheduled to end.

However, Keo does teach such a system ([0025], lines 1-6 and [0026], lines 1-5). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Zellner in order to mark the pertinent dates of an invitation, as taught by Keo. Doing so increases the efficiency of the system by not having to keep side notes or reminders.

However, the teachings of Zellner and Keo do not teach upon which a guest invitation was sent to a respective guest. However, Szeto does teach such a system ([0048], lines 35-43 and [0028], lines 4-11). It would have been obvious to modify the

Art Unit: 4152

teachings of Zellner and Keo in order to adapt the system to allow a guest user to be invited, as taught by Szeto. Doing so allows the system to function efficiently.

26. As for claim 11, it is rejected on the same basis as claim 10 above. In addition, Szeto teaches means for sending a guest invitation to a user from the respective resident user (claim 9, line 1); and means for updating a contact list of the respective resident user with contact information of the user after the guest invitation is sent from the respective resident user to the user. ([0028], lines 4-11, it is obvious that the status of the account will update once a connection is made or broken, further more, a contact list is a standard part of an instant messenger

27. As for claim 12, it is rejected on the same basis as claim 10 above. In addition, Szeto teaches means for maintaining presence information of members of the network community ([0048], lines 23-24), wherein the presence information of the at least one guest is determined from the status of the at least guest account of the at least one guest ([0048], lines 23-24), wherein the presence information of the at least one guest is accessible by the respective resident user sponsoring the at least one guest ([0048], lines 35-43). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings of Zellner and Keo to utilize a presence server, as taught by Szeto, in order to accurately and efficiently maintain a standard instant messaging system.

Art Unit: 4152

28. As for claim 13, it is rejected on the same basis as claim 10 above. In addition, Szeto teaches means for notifying the at least one guest of a current status of the at least one guest account of the at least one guest ([0048], lines 23-24); and means for notifying the respective resident user of the current status of the at least one guest account of the at least one guest sponsored by the respective resident user ([0048] lines 35-43). It would have been obvious to an ordinary person skilled in the art at the time of the invention to modify the teachings of Zellner and Keo in order to alert respective users of the status of other users, as taught by Szeto. This practice was in common use in instant messenger systems at the time.

### ***Conclusion***

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Greene whose telephone number is (571) 270-3730. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on (571) 272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 4152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLG

  
NABIL M. EL-HADY  
SUPERVISORY PATENT EXAMINER